



NATIONAL PATENT APPLICATION

IN THE UNITED STATES PCT RECEIVING OFFICE

*Examiner:* Janice Lee Krizek  
(703) 308-2026 (ph), (703) 872-9326 (fx)  
*Applicants:* Phillip G. Spaniol, Steven J. Spaniol and Kevin D. Kaschke  
*Intl. Appl. No.:* PCT/US98/18376 *Docket No.:* FT0002R  
*Intl. Filing Date:* 23 October 1998 *Priority Date:* None  
*Nat'l. Appln. No.:* 09/830,005 *Group Art Unit:* 3652  
*Nat'l. Filing Date:* 21 April 2001  
*Entitled:* Agricultural Bale Accumulator And Method Therefor

Farm Technology, L.L.C.  
Kevin D. Kaschke  
3105 King Alford Ct.  
St. Charles, IL 60174

August 26, 2004

Amendment and Response

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Dear Commissioner:

Responsive to the Office Action dated March 26, 2004 for the above-identified patent application, the Applicant hereby submits the following response.

Examiner's Rejection:

The Examiner objected to the disclosure in claim 24, line 4.

The Examiner rejected claim 23 under 35 U.S.C. sec. 112, second paragraph, because there is no antecedent basis for "the bale receiving axis" in line 4.

The Examiner rejected claims 1, 7, 8, 10, 11, and 25-28 under 35 U.S.C. sec. 102(e) as being anticipated by U.S. Patent No. 6,525,276 B1 (Vellidus, et al.).

The Examiner rejected claims 1, 4, 6-11, and 25-28 under 35 U.S.C. sec. 102(e) as being anticipated by U.S. Patent No. 5,902,343 (Hale, et al.).

The Examiner objected to claims 2, 3, 5, 12-22, 24, and 29-35 as being objected to as being dependent upon a rejected base claim, but would be allowable if written in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's Response:

All of the present claims 1-35, including each of the independent claims, 1 and 26, recite an "agricultural bale equipment."

U.S. Patent No. 6,525,276 B1 (Vellidus, et al.) includes only one reference to a "baler" in col. 1, lines 42-45, which does not relate to controlling the baler based on its position in a field. This reference also does not include any references to an analogous term to "bale."

U.S. Patent No. 5,902,343 (Hale, et al.) does not include any references to "bale" or analogous term.

Therefore, the Applicant submits that each of these two references do not anticipate the respective rejected claims because each of the two references do not teach or suggest the claimed invention. More specifically, each of the two references appear to teach agricultural equipment, they do not teach or suggest "agricultural bale equipment" as claimed.

The Applicant amended claims 23 and 24.

The Applicant hereby submits herewith:

- a) a petition for a two month extension of time with an associated fee;
- b) a change of correspondence address; and
- c) an IDS with PTO-1449 and copies of references.

The Applicant respectfully request reconsideration of the Examiner's rejection.

Any inquiry related to the present response should be communicated to Kevin D. Kaschke.

Respectfully submitted,  
Phillip G. Spaniol et al.

By: *Aug 26, 2004*  
Kevin D. Kaschke  
Kevin D. Kaschke  
Applicant/Inventor  
Registration No. 35,767  
Phone: (630) 377-6759  
Fax: (630) 377-6795